



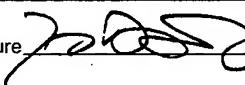
JAN 08 2006

Doc Code: AP.PRE.REQ

PTO/SB/33 (07-05)

Approved for use through xx/xx/200x. OMB 0651-00xx
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

| | | | |
|---|--|---|----------------------------------|
| PRE-APPEAL BRIEF REQUEST FOR REVIEW | | Docket Number (Optional) P-2192D2 | |
| I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on December 28, 2005 Signature  | | Application Number 10/037,489 | Filed October 22, 2001 |
| | | First Named Inventor John McNulty | |
| Typed or printed name James D. Ivey | | Art Unit 2155 | Examiner Faruk Hamza |

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

applicant/inventor.

Signature

assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

James D. Ivey

Typed or printed name

attorney or agent of record.

37,016

510-336-1100

Registration number _____

Telephone number

attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 _____

December 28, 2005

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.

*Total of _____ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | | |
|---|---|-----------|-------------|
| In the Patent Application of: John Edward McNulty | | | |
| Serial No. | 10/037,489 | Art Unit: | 2155 |
| Filed: | October 22, 2001 | Examiner: | Faruk Hamza |
| For: | DATA SYNCHRONIZATION MECHANISM FOR INFORMATION BROWSING SYSTEMS | | |

Mail Stop AF
Hon. Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

I, JAMES D. IVEY, certify that this Paper and the enclosed Transmittal Letter (PTO/SB/21), Notice of Appeal, Pre-Appeal Brief Request for Review (PTO/SB/33), Petition for the Extension of Time (PTO/SB/22), Fee Transmittal (PTO/SB/17), credit card payment form, and return postcard, are being deposited with the U.S. Postal Service with sufficient postage as first class mail addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 28, 2005.

December 28, 2005

James D. Ivey, Reg. No. 37,016

Dear Sirs:

REASONS IN SUPPORT OF REQUEST FOR PRE-APPEAL CONFERENCE

The Examiner rejected Claims 1-11 under Section 102(e) “as being anticipated by Multer et al. (U.S. Patent 6,671,757).” Applicant respectfully traverses this rejection and requests reconsideration and withdrawal of this rejection.

Claim 1 recites “associating the data object with a selected one of two or more data object types” and “sending the data to the user through the mobile system interface *in accordance with one or more data attributes defined for the selected data object type.*” Thus, as recited by Claim 1, the particular type of data object, where the type is selected from at least two data types, influences the manner in which the data is sent to the user through the mobile system interface.

Multer et al. specifically teach away from type-specific attributes for data in transit. In particular, Multer et al. teach at column 28, lines 20-25, that “the server application *must* then convert the information into the universal record format which can be utilized by other server device engines to take content information into their own particular application” (emphasis supplied). Multer et al. further teach away from type-specific delivery of data:

The universal record format allows the application objects to support a wide range of extensible application item types such as contacts, calendar, mail, bookmarks, and

the like. Flexible type name and value associations permit synchronization without regard to individual vendor application information formats. Each application object encapsulates mapped knowledge from the vendor unique format to the universal format of the present invention. As such, an application object can be designed to support any combination of application and binary information types. In essence, application objects can be designed to support a vendor application using only binary file synchronization if the internal format of the application is not known. (Multer et al. at column 28, lines 31-45).

Thus, Multer et al. specifically teach converting type-specific data into a “universal record format” such that any application can process the data. Whatever type the data may be before or after transport, the data can be only one type – the universal record format – during transit according to Multer et al. In the universal record format, the data cannot be sent “in accordance with one or more data attributes defined for the selected data object type” as recited by Applicant's Claim 1.

Applicant's Claim 1 is therefore allowable over Multer et al. Claims 2-11 depend from Claim 1 and are therefore similarly allowable.

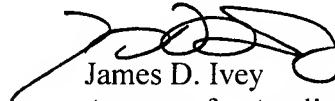
Claim 5 is allowable over Multer et al. for reasons independent of those discussed above with respect to Claim 1. Claim 5 recites “sending the data along with one or more user interface triggers by which the user can invoke one or more respectively associated actions to be taken with respect to the data.” Thus, according to Claim 5, the user interface triggers for associated actions are sent “along with” the data itself. The Examiner has cited no teaching or suggestion of Multer et al. that such user interface triggers accompany type-specific data through a mobile system interface. Accordingly, Claim 5 and Claims 6-11 that depend therefrom are allowable over Multer et al. for reasons independent of those given above with respect to Claim 1.

Claim 7 recites that “sending the data to the user includes sending the instructions [which define a behavior of the selected action] with the data.” The Examiner has only cited teaching of Multer et al. regarding what a receiving application might do with the universal record format data once it's received but cited no teaching or suggestion that the data that is actually sent includes any computer instructions, let alone instructions which define a behavior of an action that can be invoked by a user for performance on the sent data. Claim 7 is therefore allowable

over Multer et al. for reasons independent of those given above with respect to Claims 1 and 5.

For these reasons, pending Claims 1-11 are allowable over the cited art and such action is respectfully requested.

Respectfully submitted,



James D. Ivey
Attorney for Applicant
Reg. No. 37,016

IVEY, SMITH & RAMIREZ
3025 Totterdell Street
Oakland, California 94611-1742
Voice: (510) 336-1100
FACSIMILE: (510) 336-1122

\\\srserver\\sr\\LawPractice\\Files\\2192pD2\\09PreAppeal\\PreAppealConfArgs.sxw